

REMARKS

Claims 87-93, 95-113, 126-132, and 134-152 are pending in the subject application. By this Amendment, applicants have amended claims 105-110 and 144-149 to add the word "isolated". Applicants have also amended claims 111, 113 and 150. Support for these amendments may be found *inter alia* in the specification on page 49, lines 28-32. Accordingly, claims 87-93, 95-113, 126-132, and 134-152 as amended will be pending and under examination upon entry of this Amendment.

Nonstatutory Double Patenting

The Examiner maintained the rejection of claims 87-93, 95-113, 126-132, and 134-152 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-30 of U.S. Patent No. 6,710,173.

In response, applicants note that a Terminal Disclaimer on behalf of each of the two assignees of record of rights in the subject application and U.S. Patent No. 6,710,173 will be submitted with a supplemental communication as soon as applicants' undersigned attorney receives these two signed Terminal Disclaimers on behalf of these two assignees.

Rejection Under 35 U.S.C. §101

The Examiner rejected claims 105-107, 110, 144-146 and 149 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Specifically, the Examiner stated that the term "cell" encompasses any target cell carrying the vaccine vector, and therefore the scope of the claim encompasses a human being. The Examiner further indicated that the recitation of "isolated" or "purified" or "non-human" would be remedial.

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In response, but without conceding the correctness of the Examiner's ground of rejection, applicants note that claims 105-107, 110, 144-146 and 149 have been amended to recite "isolated host cell", thereby obviating the Examiner's ground of rejection. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Conclusion

In view of the remarks made hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the grounds of rejection set forth in the October 10, 2007 Office Action, and request allowance of claims 87-93, 95-113, 126-132, and 134-152 pending in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants: James M. Binley et al.

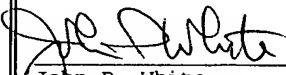
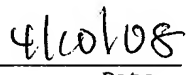
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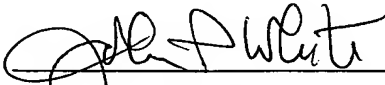
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No fee, except the \$525.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Amendment. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 John P. White Reg. No. 28,678	 Date


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